

MELANIE D. MORGAN, ESQ.
Nevada Bar No. 8215
DONNA M. WITTIG, ESQ.
Nevada Bar No. 11015
AKERMAN LLP
1635 Village Center Circle, Suite 200
Las Vegas, NV 89134
Telephone: (702) 634-5000
Facsimile: (702) 380-8572
Email: melanie.morgan@akerman.com
Email: donna.wittig@akerman.com

Attorneys for Bank of America, N.A.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BANK OF AMERICA, N.A.,

Plaintiff,

vs.

SOMERSET PARK HOMEOWNERS
ASSOCIATION; SUZANNAH R. NOONAN
IRA, LLC; and NEVADA ASSOCIATION
SERVICES, INC.,

Defendants.

Case No.: 2:17-cv-01625-RFB-NJK

**SUPPLEMENTAL ORDER ON
ORDER SUMMARY JUDGMENT
MOTIONS**

Plaintiff Bank of America, N.A. (**BANA**) moved for summary judgment (ECF No. 33), defendant Suzannah R. Noonan IRA, LLC (**Noonan**) moved to dismiss the complaint for lack of diversity jurisdiction (ECF No. 34) and also moved for summary judgment (ECF No. 35). The Court grants BANA's motion on its first claim and declares that the deed of trust continues to encumber the property located at 513 Kristin Lane, Henderson, NV 89015 despite the HOA foreclosure sale at issue. Because the Court's holding is dispositive, the remaining claims are dismissed. The Court denies Defendant's motions.

IT IS FURTHER ORDERED that the remaining claims in this matter are dismissed as moot in light of the declaration the deed of trust continues to encumber the property, and this lawsuit is fully and finally resolved.

IT IS FURTHER ORDERED AND ADJUDGED that for the reasons stated on the record at the August 2, 2019 hearing in this matter, the Deed of Trust recorded in the Clark County Recorder's

1 Office as Instrument Number 20070427-0005262 (**Deed of Trust**) was not extinguished by the
2 foreclosure of the lien held by Sommerset Park Homeowners Association reflected in the
3 Foreclosure Deed Upon Sale recorded in the Clark County Recorder's Office as Instrument Number
4 20140612-0001079.

5 IT IS FURTHER ORDERED AND ADJUDGED that Noonan's title to the property located
6 at 513 Kristin Lane, Henderson, Nevada 89015, APN 178-01-612-020 and more particularly
7 described as:

8 PARCEL 1:

9 Lot 2 in Block 21 of Summerfield Village-Unit 2A as shown by map thereof on
10 file in Book 31 f Plats, page 79 and by Amended Plat of Summerfield Village
11 Unit 2A, on file in Book 32 of Plats, Page 63 in the Office of the County
Recorded of Clark County, Nevada.

12 PARCEL 2:

13 A non-exclusive easement for ingress and egress over that portion of
14 Summerfield Village Unit 2A as set forth as "Private Drive, Common Area and
Public Utility Easement" on the Plat of said subdivision hereinabove shown.

15 PARCEL 3:

16 An exclusive use easement upon, over and across the Carport Parking Easement
17 areas as provided under Article II, Section 3 of the Declaration of Covenants,
Conditions and Restrictions as recorded January 8, 1985 in Book 2045 as
Document No. 2004992, Official Records, Records of Clark County, Nevada.

18 remains encumbered by the Deed of Trust.

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28

The Court further finds that there is no basis to support the lis pendens in this case as Bank has no existing interest in the Property. The lis pendens recorded against the Property in the Official Records of the Clark County Recorder as Instrument Nos. 20160222-0000263 and 20170615-0000028 shall be expunged.

IT IS SO ORDERED.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

DATED: December 5, 2019

Submitted by:
AKERMAN LLP

/s/ Donna M. Wittig
MELANIE D. MORGAN, ESQ.
Nevada Bar No. 8215
DONNA M. WITTIG, ESQ.
Nevada Bar No. 11015
1635 Village Center Circle, Suite 200
Las Vegas, NV 89134

Attorneys for Bank of America, N.A.

Approved as to Form and Content:
The Law Office of Mike Beede, PLLC

/s/ Michael Beede
MICHAEL BEEDE, ESQ.
Nevada Bar No. 13068
2470 St Rose Pkwy., Suite 307
Henderson, Nevada 89074

Attorneys for Suzannah R. Noonan IRA LLC

Boyack Orme & Anthony

/s/ Patrick A. Orme
PATRICK A. ORME, ESQ.
Nevada Bar No. 7853
7432 W. Sahara Ave., Suite 101
Las Vegas, Nevada 89117

Attorneys for Somerset Park Homeowners Association